

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cr-30011

United States of America

v.

Lee Henry

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/6/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on February 14, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 2/14/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, CLOSED

**United States District Court
District of Massachusetts (Springfield)
CRIMINAL DOCKET FOR CASE #: 3:05-cr-30011-MAP-ALL**

Case title: USA v. Henry

Date Filed: 03/17/2005

Assigned to: Judge Michael A Ponsor
Referred to: Magistrate Judge Kenneth
P. Neiman

Defendant

Lee Henry (1)
TERMINATED: 01/30/2006

represented by **William J. O'Neil**
Martinez & O'Neil
7 Stockbridge Street
Springfield, MA 01103
413-733-6821
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

William J. O'Neil
7 Stockbridge Street
Springfield, MA 01103
US
413-733-6821
Fax: 413-746-4069
Email: wjolaw@comcast.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

CONTEMPT OF COURT, 18 U.S.C.
401
(1)

Disposition

24 months imprisonment, to consist of a term of 12 mos for the offense to be followed by a consecutive term of 12 mos per USC 18:1347 all to be consecutive to U.S. District Ct. dkt no 05-30010; Jud. Rec. Def. be permitted to participate in 500 hour Residential Drug Abuse Program; Def. remanded to U.S. Marshals; Supervised release 5 yrs, Poss. no firearm; cooperate in collection of DNA as directed by Probation; Participate in program for substance

abuse as directed which may include testing and contribute to costs for such program based on ability to pay; participate in mental health treatment prog. as directed and contribute to costs based on ability to pay; \$100 assessment fee due immediately;

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Todd E. Newhouse**
 United States Attorney's Office
 1550 Main Street
 3rd Floor
 Springfield, MA 01103
 413-785-0109
 Fax: 413-785-0394
 Email: Todd.Newhouse@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/17/2005	1	INDICTMENT as to Lee Henry (1) count 1. (Healy, Bethaney) (Entered: 03/22/2005)
03/24/2005	2	NOTICE OF HEARING as to Lee Henry. Arraignment and Intitial Appearance Hearing set for 3/30/2005 at 12:30 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman; cc/cl. (Finn, Mary) (Entered: 03/24/2005)
03/30/2005	3	Judge Kenneth P. Neiman : SCHEDULING ORDER as to Lee Henry entered. Any discovery letters shall be sent and filed by 5/11/2005. Responses due within fourteen (14) days of receipt or by 5/25/2005,

		whichever occurs first. Status Conference set for 5/16/2005 at 02:30 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. Joint memorandum due by close of business on 5/12/2005; cc/cl. (Finn, Mary) Modified on 3/31/2005 (Finn, Mary). (Entered: 03/31/2005)
03/30/2005	4	NOTICE re automatic disclosure as to Lee Henry (Stuckenbruck, John) (Entered: 04/04/2005)
03/30/2005	3	Electronic Clerk's Notes for proceedings held before Judge Kenneth P. Neiman :Arraignment as to Lee Henry (1) Count 1 held on 3/30/2005, Plea entered by Lee Henry (1) Count 1. by Lee Henry Not Guilty on counts 1. (Court Reporter CD Recorder.) (Stuckenbruck, John) (Entered: 04/05/2005)
04/07/2005	5	Govt's Letter (non-motion) regarding discovery obligations as to Lee Henry filed.(Finn, Mary) (Entered: 04/07/2005)
04/29/2005	6	NOTICE OF HEARING as to Lee Henry ISSUED, cc:cl. Status Conference continued to 5/16/2005 at 1:30 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 04/29/2005)
05/12/2005	7	JOINT MEMORANDUM of the parties re initial status conference by Lee Henry and USA (Stuckenbruck, John) (Entered: 05/12/2005)
05/16/2005	8	Govt's Letter (non-motion) regarding discovery obligations as to Lee Henry filed. (Finn, Mary) (Entered: 05/17/2005)
05/17/2005	9	Judge Kenneth P. Neiman : ORDER entered. FINALSTATUS REPORT as to Lee Henry entered. Pretrial Conference set for 6/24/2005 at 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. Deft. will report at the time what dispositive motions, if any, he intends to file. Order of excludable delay to issue; cc/cl. (Finn, Mary) Modified on 5/18/2005 (Finn, Mary). (Entered: 05/17/2005)
05/17/2005	8	Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Newhouse and O'Neil) appear for Status Conference as to Lee Henry held on 5/17/2005. Final status report to issue. (Court Reporter FTR.) (Healy, Bethaney) (Entered: 05/18/2005)
05/18/2005	10	Magistrate Judge Kenneth P. Neiman. ORDER ON EXCLUDABLE DELAY as to Lee Henry, ENTERED, cc:cl. Time excluded from April 13, 2005 until May 16, 2005. (Healy, Bethaney) (Entered: 05/18/2005)
07/15/2005	11	Deft's MOTION to Suppress Evidence as to Lee Henry filed.(Finn, Mary) (Entered: 07/15/2005)
07/15/2005	12	Deft's MEMORANDUM in Support in support of his 11 MOTION to Suppress Evidence by Lee Henry filed. (Finn, Mary) (Entered: 07/15/2005)
07/15/2005	13	Deft's AFFIDAVIT of William J. O'Neil by Lee Henry in support of his 11 MOTION to Suppress Evidence filed.(Finn, Mary) (Entered: 07/15/2005)

07/20/2005	3	Attorney update in case as to Lee Henry. Attorney William J. O'Neil for Lee Henry added. (Healy, Bethaney) (Entered: 07/20/2005)
08/22/2005	3 14	Govt's Letter (non-motion) regarding discovery as to Lee Henry filed. (Finn, Mary) (Entered: 08/23/2005)
08/25/2005	3	Set Hearings as to Lee Henry: Continuation of Evidentiary Hearing set for 9/7/2005 10:00 AM in Courtroom 1 before Judge Michael A Ponsor. (Counsel notified by phone (French, Elizabeth) (Entered: 08/25/2005)
09/07/2005	3	Electronic Clerk's Notes for proceedings held before Judge Michael A Ponsor :Evidentiary Hearing as to Lee Henry held on 9/7/2005 Continuation of testimony of Robert Lewis; Craig Davis; Lee Henry; on Motion to Suppress - motion denied (Court Reporter Alice Moran.) (French, Elizabeth) (Entered: 09/07/2005)
09/07/2005	3	Electronic Clerk's Notes for proceedings held before Judge Michael A Ponsor : Status Conference set for 9/16/2005 01:45 PM in Courtroom 1 before Judge Michael A Ponsor. (Counsel requests defendant to be present for hearing)(Court Reporter Alice Moran.) (French, Elizabeth) (Entered: 09/07/2005)
09/12/2005	3 15	NOTICE pursuant to 18 U.S.C 3147 by USA as to Lee Henry (Lindsay, Maurice) (Entered: 09/16/2005)
09/15/2005	3	Conference as to Lee Henry:, Set/Reset Deadlines/Hearings as to Lee Henry: Status Conference reset for 9/20/2005 02:00 PM in Courtroom 1 before Judge Michael A Ponsor due to unavailability of Marshals; Counsel agrees to postpone in order to have defendant present (French, Elizabeth) (Entered: 09/15/2005)
09/20/2005	3	ElectronicClerk's Notes for proceedings held before Judge Michael A Ponsor :Status Conference as to Lee Henry held on 9/20/2005 - (Trial set in 05-30010 10/31/05 - Counsel to report re: plea by 9/30) Counsel agree this case to be dealt with after that case is resolved (Court Reporter Alice Moran.) (French, Elizabeth) (Entered: 09/20/2005)
09/20/2005	3 16	Govt's MOTION for Excludable Delay for time period from Septembre 20,2005 to October 31, 2005 as to Lee Henryby USA filed. (Finn, Mary) (Entered: 09/21/2005)
09/22/2005	3	Judge Michael A Ponsor : ElectronicORDER entered granting 16 Motion to Exclude as to Lee Henry (1) "See parallel ruling in CR 05-30010 (French, Elizabeth) (Entered: 09/22/2005)
09/27/2005	3	NOTICE OF HEARING as to Lee Henry (CLERK NOTIFIED BY PHONE DEFENDANT WILL CHANGE HIS PLEA Change of Plea Hearing set for 10/7/2005 11:30 AM in Courtroom 1 before Judge Michael A Ponsor. All counsel notified by phone(French, Elizabeth) (Entered: 09/27/2005)
10/07/2005	3	ElectronicClerk's Notes for proceedings held before Judge Michael A Ponsor :Change of Plea Hearing as to Lee Henry held on 10/7/2005, Plea entered by Lee Henry (1) Guilty Count 1. Sentencing set for 12/15/05 at

		2:00 p.m. (Court Reporter Alice Moran.) (French, Elizabeth) (Entered: 10/11/2005)
10/11/2005	17	Judge Michael A Ponsor : Electronic ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Lee Henry Sentencing set for 12/15/2005 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) (Entered: 10/11/2005)
12/05/2005	18	NOTICE OF RESCHEDULING as to Lee Henry Sentencing RESET for 1/27/2006 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) Additional attachment(s) added on 12/5/2005 (Finn, Mary). Modified on 12/5/2005 to add the corrected notice. (Finn, Mary). (Entered: 12/05/2005)
12/05/2005	19	Judge Kenneth P. Neiman : ORDER entered. CJA 20 as to Lee Henry: Appointment of Attorney William J. O'Neil for Lee Henry. (Finn, Mary) (Entered: 12/05/2005)
01/18/2006	20	Govt's Objection to the Deft's Seventh motion the sentencing (motion only filed in CR 05-30010-MAP) as to Lee Henry filed. (Finn, Mary) (Entered: 01/19/2006)
01/18/2006	21	MOTION to Continue sentencing as to Lee Henry. (French, Elizabeth) (Entered: 01/19/2006)
01/19/2006	22	Judge Michael A Ponsor : Electronic ORDER entered denying [21] Motion to Continue as to Lee Henry (1) (French, Elizabeth) (Entered: 01/19/2006)
01/30/2006	23	Electronic Clerk's Notes for proceedings held before Judge Michael A Ponsor : Sentencing held on 1/30/2006 for Lee Henry (1), Count(s) 1, 24 months imprisonment, to consist of a term of 12 mos for the offense to be followed by a consecutive term of 12 mos per USC 18:1347 all to be consecutive to U.s. District Ct. dkt no 05-30010; Jud. Rec. Def. be permitted to participate in 500 hour Residential Drug Abuse Program; Def. remanded to U.S. Marshals; Supervised release 5 yrs, Poss. no firearm; cooperate in collection of DNA as directed by Probation; Participate in program for substance abuse as directed which may include testing and contribute to costs for such program based on ability to pay; participate in mental health treatment prog. as directed and contribute to costs based on ability to pay; \$100 assessment fee due immediately;. (Court Reporter Donna Malone.) (French, Elizabeth) (Entered: 01/31/2006)
01/30/2006	24	Judge Michael A Ponsor : Electronic ORDER entered. JUDGMENT as to Lee Henry (1), Count(s) 1, 24 months imprisonment, to consist of a term of 12 mos for the offense to be followed by a consecutive term of 12 mos per USC 18:1347 all to be consecutive to U.s. District Ct. dkt no 05-30010; Jud. Rec. Def. be permitted to participate in 500 hour Residential Drug Abuse Program; Def. remanded to U.S. Marshals; Supervised release 5 yrs, Poss. no firearm; cooperate in collection of DNA as directed by Probation; Participate in program for substance abuse as directed which may include testing and contribute to costs for such

		program based on ability to pay; participate in mental health treatment prog. as directed and contribute to costs based on ability to pay; \$100 assessment fee due immediately; (French, Elizabeth) (Entered: 01/31/2006)
02/06/2006	23	NOTICE OF APPEAL by Lee Henry NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 2/27/2006. (O'Neil, William) (Entered: 02/06/2006)
02/07/2006		Original file and docket sheet forwarded to the Appeals Clerk. (Finn, Mary) (Entered: 02/07/2006)